

**MINUTES****DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE****March 24, 2009****Conference Room L139, 14955 Galaxie Avenue, Apple Valley, Minnesota****1. CALL TO ORDER AND ROLL CALL**

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 10:25 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1  
Commissioner Kathleen Gaylord, District 2  
Commissioner Thomas Egan, District 3  
Commissioner Nancy Schouweiler, District 4  
Commissioner Liz Workman, District 5  
Commissioner Paul J. Krause, District 6  
Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator  
Lynn Thompson, Division Director  
Karen Schaffer, Assistant County Attorney  
Jeanne Nash Hoffmann, Administrator Coordinator

**2. INTRODUCTION OF NEW STAFF**

There were no new staff to introduce this month.

**3. AUDIENCE**

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

**4. APPROVAL OF THE AGENDA**

**Motion by Commissioner Gaylord, Second by Commissioner Egan**, and passed on a 7-0 vote to approve the agenda for March 24, 2009, as presented. Item 5.2 was pulled for discussion.

**5. CONSENT/INFORMATION AGENDA**

**Motion by Commissioner Workman, Second by Commissioner Egan**, and passed on a 7-0 vote to approve the balance of the consent items:

**5.1 – Minutes Of The February 10, 2009 Meeting****5.3 – Approval Of Special Hazardous Waste Facility License For Materials Processing Corporation, Eagan**

WHEREAS, in accordance with Dakota County Ordinance No. 111, Hazardous Waste Regulation, Materials Processing Corporation submitted an application to the County for a hazardous waste facility license to operate a special hazardous waste processing/storage facility in the City of Eagan; and

WHEREAS, County staff has reviewed the application from Materials Processing Corporation and has determined that the application conforms with the requirements of Dakota County Ordinance No. 111, Hazardous Waste Regulation; and

WHEREAS, staff recommends that Materials Processing Corporation provide financial assurance in accordance with Dakota County Ordinance No. 111, Hazardous Waste Regulation, Section 4.12(B)(2)(b), for the operational, pre-closure, and closure periods in the amount of \$30,000, in the form of an irrevocable standby letter of credit in the favor of Dakota County, subject to the approval of the Dakota County Risk and Homeland Security Manager and the Dakota County Attorney's Office as to form and financial institution issuing the financial assurance.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves issuance of a hazardous waste facility license pursuant to Dakota County Ordinance No. 111, Hazardous Waste Regulation, to Materials Processing Corporation to operate a special hazardous waste processing/storage facility in the City of Eagan for the period of April 7, 2009, to March 31, 2010, subject to compliance with all applicable federal, state, local, and County laws, rules, and ordinance requirements, or special conditions; and

BE IT FURTHER RESOLVED, That Materials Processing Corporation shall operate the special hazardous processing/storage facility in accordance with the plans and information approved as part of the hazardous waste facility application, as received by the County on October 23, 2008; and

BE IT FURTHER RESOLVED, That Materials Processing Corporation shall operate this processing and storage facility so that the maximum storage capacity at any one time does not exceed 120 tons of electronics; and

BE IT FURTHER RESOLVED, That pursuant to Dakota County Ordinance No. 111, Hazardous Waste Regulation, Section 4.12(B)(2)(b), Materials Processing Corporation shall provide financial assurance for the special hazardous waste processing/storage facility in the form of a \$30,000 irrevocable standby letter of credit for the operational, pre-closure, closure periods in the favor of Dakota County, with said financial assurance subject to the approval of the Dakota County Risk and Homeland Security Manager, and the Dakota County Attorney's Office as to form and financial institution issuing the financial assurance; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Division Director to issue a special hazardous waste facility license, as approved by the County Board, to Materials Processing Corporation, subject to the payment of the required fees and the satisfaction of all appropriate license conditions.

#### **5.4 – Approval of Certification Of Closure And Release Of Financial Assurance For Resource Recovery Technologies Processing Solutions Yard Waste Compost Facility, Rosemount**

WHEREAS, Resource Recovery Technologies Processing Solutions holds a Dakota County license to operate a yard waste composting facility in the City of Rosemount; and

WHEREAS, Resource Recovery Technologies Processing Solutions holds financial assurance in the form of a \$10,000 bond for the pre-closure/operational period and \$15,000 single access cash account for the closure period, as a condition of the yard waste composting facility license; and

WHEREAS, Resource Recovery Technologies Processing Solutions has implemented all the actions specified in its County-approved closure plan and has removed all waste from the site; and

WHEREAS, in accordance with Dakota County Ordinance 110, Solid Waste Management, Resource Recovery Technologies Processing Solutions submitted a Certification of Closure on January 2, 2009, to the County, after completion of the specified closure actions; and

WHEREAS, County staff has verified by a final inspection conducted on December 9, 2008, that the closure of the Resource Recovery Technologies Processing Solutions Yard Waste Compost Facility has been performed pursuant to the requirements of Dakota County Ordinance 110, Solid Waste Management, and the County-approved facility closure plan; and

WHEREAS, upon verification of closure of a solid waste facility, Dakota County Ordinance 110, Solid Waste Management, provides that County staff shall recommend to the Dakota County Board of Commissioners that the Certification of Closure be approved and that all financial assurance held by the County be released.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the Certification of Closure for the Resource Recovery Technologies Processing Solutions Yard Waste Composting Facility located in the City of Rosemount, and hereby releases all financial assurance provided by Resource Recovery Technologies Processing Solutions for operation of the facility, including the \$10,000 bond for the pre-closure/operational period and the \$15,000 single access cash account for the closure period.

#### **5.5 – Authorization To Execute Lease Agreements For Interim Agricultural Use of Undeveloped County Property**

WHEREAS, there are agricultural leases on County land that remain available for interim use as crop land because funds are not available for restoring these lands to their targeted natural vegetative cover; and

WHEREAS, staff has negotiated lease rates for agricultural use of specified land within Lake Byllesby Regional Park, Miesville Ravine Park Reserve, Spring Lake Park Reserve, the new regional park (former Butler Trust property) as part of the Vermillion Highlands complex, and Empire Township property in accordance with Minn. Stat. Sec. 373.01.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute agricultural lease agreements with the following individuals for use of specified County land at the rates and durations described, subject to approval by the County Attorney's Office, as to form:

Rodney Banks for a one-year lease of up to 27 acres of cropland in Miesville Ravine Park Reserve at the rate of \$83.00 per acre, for a total cost of up to \$2,241.00 for the period of April 1, 2009 through December 31, 2009.

Del Bauer for a one-year lease of up to 18 acres of cropland in Miesville Ravine Park Reserve at the rate of \$83.00 per acre, for a total of up to \$1,494.00 for the period of April 1, 2009 through December 31, 2009.

Gordon Bauer for a one-year lease of up to 10.3 acres of cropland in Spring Lake Park Reserve at the rate of \$98.00 per acre for a total cost of up to \$1,009.40 for the period of April 1, 2009 through December 31, 2009.

Darryl Buecksler for a one-year lease of up to 98 acres of cropland in two areas of the new regional park within the Vermillion Highlands complex at the rate of \$126.00 per acre, for a total of cost up to \$12,348.00 for the period of April 1, 2009 and December 31, 2009.

DST Farms for a one-year lease of up to 20 acres of cropland in Miesville Ravine Park Reserve at the rate of \$83.00 per acre, for a total cost of up to \$1,660.00 for the period of April 1, 2009 through December 31, 2009.

Doug Felton for a one-year lease of up to 25 acres of cropland in Lake Byllesby Regional Park at the rate of \$76.00 per acre for a total cost of up to \$1900.00, for the period of April 1, 2009 through December 31, 2009.

Terry Flower for a one-year lease of up to 24 acres of pastureland in Spring Lake Park Reserve at the rate of \$44.00 per acre for a total cost of up to \$1,056.00 for the period of April 1, 2009 through December 31, 2009.

Glen Haefs for a one-year lease of up to 36 acres of cropland in Empire Township at the rate of \$95.00 per acre for a total of up to \$3,420.00 for the period of April 1, 2009 through December 31, 2009.

#### **5.6 – Authorization to Execute Contract Amendment With Kimley-Horn And Associates, Inc. For Engineering Services For Mississippi River Regional Trail**

WHEREAS, by Resolution No. 99-526 (September 21, 1999), the County Board adopted the draft Mississippi River Regional Trail (MRRT) Development Plan (Plan); and

WHEREAS, by Resolution No. 07-118 (April 3, 2007), the County Board authorized a joint powers agreement with the City of Inver Grove Heights (City) to share costs of a feasibility study for locating the MRRT along Inver Grove Trail; and

WHEREAS, the feasibility study determined that the only economical alignment for the MRRT along Inver Grove Trail south of Cahill Avenue was along the east side of Inver Grove Trail; and

WHEREAS, the approved Plan provided direction that construction of the Inver Grove Trail alignment option be considered concurrent with improvements to Inver Grove Trail; and

WHEREAS, in 2008, the City authorized, engineered, and constructed sanitary sewer within Inver Grove Trail south of Cahill Avenue; and

WHEREAS, to ensure trail compatibility with the City sewer project, the County hired Kimley-Horn and Associates, Inc. for trail engineering and coordination services, in the amount of \$49,535; and

WHEREAS, it was determined that the trail development was compatible with the sewer project if the City reconstructed the road using curbs and revised cross-sections at an additional project expense of about \$40,000; and

WHEREAS, by Resolution No. 08-332 (July 22, 2008), the County Board authorized a joint powers agreement with the City for reimbursement of these costs incurred by the City; and

WHEREAS, to reduce County cost and address concerns that the lengthy time required for right of way acquisition for the retaining walls would adversely affect the construction schedule, it was necessary to remove the walls from the plans; and

WHEREAS, this required immediate additional engineering at a negotiated amount of \$6,015.50; and

WHEREAS, the original contract value and required amendment of \$6,015.50 is over \$50,000 and County Board approval is required.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract amendment with Kimley-Horn and Associates, Inc., for additional design and engineering services for the MRRT within the City of Inver Grove Heights, increasing the contract by an amount not to exceed \$6,015.50, for a total contract value of \$55,550.50, subject to approval by the County Attorney's Office as to form.

#### **5.7 – Authorization To Execute Agreement With State Of Minnesota For Institution Community Work Crew**

WHEREAS, Dakota County seeks to improve the natural resources and facilities within the Dakota County Parks and Open Space System; and

WHEREAS, the restoration and management of degraded natural resources and maintenance of park facilities is labor intensive; and

WHEREAS, the Minnesota Department of Corrections offers to public agencies for a fee, a 10-person Institution Community Work Crew (ICWC) Program that puts minimum-security prison inmates to work in the community under the supervision of a state employee crew leader; and

WHEREAS, the intent of the ICWC Program is to provide vocational training for offenders while accomplishing priority labor intensive public projects; and

WHEREAS, for the ICWC Program, the State of Minnesota provides transportation, general supervision, training, and basic tools at its expense; and

WHEREAS, Dakota County has successfully used the ICWC Program and finds this program to be effective and efficient in the accomplishment of labor intensive natural resource management and other work; and

WHEREAS, the use of one 10-person ICWC for a two-year term from May 1, 2009, through April 30, 2011, at a cost of \$80,699 for the first year and \$82,511 for the second year, for a combined cost of \$163,210, would provide increased labor capacity to perform natural resource restoration/management and other labor-intensive projects; and

WHEREAS, the 2009 Dakota County Capital Improvement (CIP) Program includes funding for natural resource management projects in the amount of \$175,000, and the 2010 CIP in the amount of \$210,000.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a contract with the State of Minnesota for the provision of one 10-person full-time Institution Community Work Crew, in the total amount of \$163,210, for the period of May 1, 2009, through April 30, 2011, subject to approval by the County Attorney's Office as to form.

**5.8 – Plat Commission Update** – Information only; no action was requested.

## **6. REGULAR AGENDA**

### **5.2 – Authorization To Execute Joint Powers Agreements With Cities Of Hastings, Lakeville, Farmington, Burnsville, And Rural Solid Waste Commission For One-Day Household Hazardous Waste Collection Events**

Item 5.2 was pulled for discussion on the inclusion of northern Dakota County cities in the one-day household hazardous waste collection events. Staff indicated that collection events for the Fall in the three cities listed in this action could be postponed to accommodate one or more of the cities in the northern portion of the County. Staff were directed to contact the cities and again encourage their involvement.

**Motion by Commissioner Harris, Second by Commissioner Branning**, and passed on a 7-0 vote, to recommend that the Dakota County Board of Commissioners adopt the following resolution.

WHEREAS, the Dakota County Board of Commissioners desires to remove household hazardous waste (HHW) from the Dakota County solid waste stream because of health, safety, and environmental concerns; and

WHEREAS, consistent with the Dakota County Solid Waste Master Plan, the Dakota County Board of Commissioners encourages residents to properly manage HHW; and

WHEREAS, Dakota County has collaborated with cities for two to four one-day HHW collection events each year since 1985 through approved Joint Powers Agreements (JPA); and

WHEREAS, Dakota County has requested feedback on community interest and ability to host one-day HHW collection events as part of the 2009 Community Funding Applications; and

WHEREAS, one-day HHW event collection events have been requested by the cities of Hastings (April 25), Lakeville (May 2), Farmington (fall), Burnsville (fall), and the Rural Solid Waste Commission (RSWC) on behalf of its members (fall), through city council resolutions and RSWC action to accept 2009 community funding; and

WHEREAS, the cities of Hastings, Lakeville, Farmington, Burnsville, and the RSWC have identified the ability to provide the necessary facilities and resources to serve the vehicles-participants; and

WHEREAS, the County Risk and Homeland Security Manager and the Dakota County Attorney's Office have reviewed and approved the HHW collection event JPA process to ensure the safety of the staff, volunteers, and the general public.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute separate Joint Powers Agreements, as presented to the Physical Development Committee of the Whole on March 24, 2009, with the cities of Hastings, Lakeville, Farmington, Burnsville, and the Rural Solid Waste Commission, for the purposes of planning and conducting one-day HHW collection events in 2009, contingent upon the availability of adequate funds and subject to approval by the County Attorney's Office as to form.

#### **6.1 – Approval Of Physical Development Division Citizen Advisory Committee Work Plans For 2009**

Parks and Open Space Director Steve Sullivan, Office of Planning and Analysis Planning Supervisor Kurt Chatfield, and Farmland and Natural Resources Manager Al Singer addressed the Committee. They briefed on their work plans for 2009 and responded to specific questions in their work plans.

**Motion by Commissioner Harris, Second by Commissioner Egan** and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, County Policy No.1015 provides direction regarding citizen advisory committees and states that five citizen advisory committees, including the Parks and Recreation Advisory Committee, the Planning Commission, and the Farmland and Natural Areas Program Advisory Committee, are required to consult annually with the County Board to seek concurrence regarding topics on which they will advise the Board; and

WHEREAS, the work plans for the Parks and Recreation Advisory Committee, the Planning Commission, and the Farmland and Natural Areas Program Advisory Committee are partially developed based on the 2009 County Board Goals.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the 2009 work plans for the Parks and Recreation Advisory Committee, the Planning Commission and the Farmland and Natural Area Program Advisory Committee, as presented to the Physical Development Committee of the Whole on March 24, 2009.

#### **6.2 – Presentation By Rational Energies Regarding Siting Waste To Energy Facility In Empire Township**

Ian McKay and Ed Driscoll from Rational Energies briefed the Committee on their waste to energy facility that is proposed for a 51.38 acre parcel in the northeast corner of Empire Township. They explained that their facility will produce biomass-based renewable clean diesel fuel. They will contract with garbage haulers and sell their product to heavy vehicle fleet owners. They provided an overview of their waste processing and fuel production. They briefed on the economic, ecological and social drivers along with the community benefits of the facility. They responded to specific questions.

This was an information item, no action was requested.

### **6.3 – Discussion Of Restructured Metropolitan Council's Regional Dial-A-Ride Service**

Physical Development Director Lynn Thompson presented this item and introduced Arlene McCarthy from the Metropolitan Council. Ms. McCarthy outlined the program goals which were to invest in general public transit, implement consistent operating parameters, eliminate duplicative transit services, provide equitable coverage, improve coordination with local government to determine needs and gaps, streamline communication and administration, improve visibility and usability, assure eligibility for federal funding, and adjust dial-a-ride services as fixed-route services change. Arlene briefed on the proposed regional dial-a-ride service delivery plan. Next steps include the establishment of the Coordinated Transit Committee that includes county and Met Council staff, conduct meetings with current providers, and implement service by January 1, 2010.

Arlene responded to specific questions regarding services provided by DARTS and Metro Mobility. Arlene indicated she would get back to the Committee on specific questions regarding costs per mile. She also indicated that she would be talking to Met Council staff on the possibility of extending the April 30 timeline for counties to select whether they want to administer and directly operate or competitively procure the DAR transit service within their respective counties, or defer to the Council to manage a competitively procured contract.

This was an information item, no action was requested.

### **6.4 – Selection Of Preferred Alignment For Mississippi River Regional Trail Within City Of Inver Grove Heights**

Parks and Open Space Manager Bruce Blair introduced this item and responded to questions.

**Motion by Commissioner Schouweiler, Second by Commissioner Gaylord** and passed on a 7-0 vote to recommend that the County Board adopt the following resolution that includes approval of Alternate 3.

WHEREAS, by Resolution No. 99-526 (September 21, 1999), the County Board adopted the draft Mississippi River Regional Trail (MRRT) Development Plan; and

WHEREAS, Resolution No. 99-526 describes the MRRT alignment within the City of Inver Grove Heights (City) as following Concord Boulevard south to 80<sup>th</sup> Street and at 80<sup>th</sup> Street, following one of two alternatives 1) Following Inver Grove Trail south to TH 52 and 2) Following Concord Boulevard and Old Concord Boulevard, connecting Inver Grove Trail at Pine Bend Elementary, following Pine Bend Trail to TH 52; and

WHEREAS, since 1999, a third alternative alignment was identified along new Concord Boulevard to Cahill Avenue; and

WHEREAS, by Resolution No. 07-118 (March 20, 2007), the County Board authorized a joint powers agreement with the City to share costs of a feasibility study (study) to analyze the alternatives; and

WHEREAS, the alternatives were refined and identified as:

Alternative 1: Inver Grove Trail East Side

Alternative 2: Inver Grove Trail West Side

Alternative 3: New Concord Boulevard East Side to Cahill Avenue West Side

Alternative 4: Old Concord Boulevard West Side to Cahill Avenue West Side

; and

WHEREAS, by Resolution No. 08-332 (July 22, 2008), the County Board reviewed the study and directed staff to conduct further public review of Alternative 3, based on its potential superior fiscal, technical, and social feasibility, and return to the County Board with a final alignment recommendation; and

WHEREAS, on November 18, 2008, the Parks and Open Space Department conducted a public information meeting to receive public comment regarding the alternatives, and public comment generally preferred Alternative 3; and

WHEREAS, on January 14, 2009, the Inver Grove Heights Park and Recreation Commission reviewed the alternatives and heard public comment and recommended Alternative 3 to the Inver Grove Heights City Council (Council); and

WHEREAS, on February 23, 2009, the Council approved Alternative 3 as the preferred alternative; and

WHEREAS, on March 4, 2009, the Dakota County Park and Recreation Advisory Committee reviewed the alternatives and recommended Alternative 3; and

WHEREAS, staff recommends Alternative 3 due to reduced neighborhood impact such as tree loss and driveway crossings, least amount of new right of way required (about .53 miles of the trail already exists), and lowest construction cost of which a portion is funded.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the preferred Mississippi River Regional Trail alignment within the City of Inver Grove Heights from Concord Boulevard and 80<sup>th</sup> Street on new Concord Boulevard - east side, to Cahill Avenue - west side, to Inver Grove Trail.

#### **DIRECTOR'S REPORT**

Physical Development Director Lynn Thompson provided the Director's report. She informed the Committee of the Open House at the Apple Valley Transit Station on April 14 and the April 1 Open House on the Rosemount / Empire / UMore Transportation System Study. Lynn explained that an action item on the visioning study for the Northeast Eagan, Northwest Inver Grove Heights area (CP 97-85) would be coming to the County Board meeting on April 7.

Lynn then explained an opportunity for a DNR grant for trails that was due on February 27. Staff will take the ratification of the application to a County Board meeting in April. County Board action is needed on this \$24,750 grant since there is a County commitment required to maintain the trail improvements for 20 years.

#### **LEGISLATIVE UPDATE**

The Legislative Update was provided at the Community Services Committee of the Whole meeting.

#### **ADJOURNMENT**

Motion by Commissioner Harris, Second by Commissioner Workman, and passed on a 7-0 vote to adjourn the meeting at 12:30 p.m.

Respectfully submitted:

Jeanne Nash Hoffmann  
Administrative Coordinator